



Traffic Services Section Michigan State Police Field Update #14

Providing Traffic Related Information and Services to Michigan Law Enforcement

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Railroad Incident Enforcement Guide

Railroad incidents can be some of the more intensive and complicated situations that law enforcement officers encounter. Incidents can include crashes, derailments, hazardous materials spills, terrorist threats or attacks, or simply trespassing. Several organizations have combined efforts with state and local law enforcement agencies and compiled a resource designed to assist officers who respond to railroad incidents, the 2005 edition of the [Michigan's Model Enforcement Guide](#). Michigan Operation Lifesaver is providing a copy of this guide to each road patrol officer in Michigan. The guide can also be accessed online through the Traffic Services Section (TSS) [website](#) and may be reprinted for official use by any first responder agency or organization.

BAC Datamaster Procedures

When administering subject breath tests subsequent to an arrest, be careful to follow the procedures as set forth in the [Michigan Breath Test Operator Training Manual](#). Failure to follow the proper procedures could result in the court refusing to allow the test results as admissible evidence. Areas of concern include observing the subject for the full 15 minute observation period, using a new mouthpiece for each test, and starting a new 15 minute observation period if an additional test is needed due to "invalid sample" or "interference detected" messages.

Work Zone Traffic Enforcement Follow-Up

The Traffic Services Section has received a number of calls from both law enforcement and members of the driving public requesting clarification on the speed limit "45 Where Workers Present" sign for purposes of enforcement in a work zone. Generally, if a police officer is not sure that enforcement action is appropriate for a given situation, a citation should not be issued. Conversely, if a motorist is not sure if the speed limit applies, the driver should assume that it does apply and slow down accordingly in the presence of workers.

The sign's presence does not automatically indicate its applicability. Police officers should identify an area within a work zone where workers are in close physical proximity to passing vehicles and position themselves downstream from that area to measure vehicle speeds as they pass adjacent workers. That alone is the point at which the speed limit is appropriate, necessary for the safety of the workers and other motorists, and most closely matches the behavior of normal, prudent drivers.

It is important to remember that the "45 Where Workers Present" speed limit is not appropriate or enforceable where workers are protected by guardrail or barrier wall. If the only workers in a work zone are protected in that fashion, the applicable speed limit is the speed limit posted for areas other than "Where Workers (are) Present."

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